

UPDATED PHYSICAL RESTRAINT REGULATIONS:

How should charter schools
prepare?

Today's Trainer

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Our Goal

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- Understand changes in the law:
 - What is physical restraint?
 - What is not physical restraint?

- How to prepare:
 - Even if the school does not administer physical restraint, what must the school do to comply?

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Background



Changes to Regulations

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- ❑ Adopted: December 2014
- ❑ Effective date: January 1, 2016

What has changed?

- ❑ Emphasizes that restraint should NOT be used for discipline or punishment
- ❑ Emphasizes alternatives to the use of restraint
- ❑ Restraint only for emergencies of “last resort”
- ❑ Prohibits the use of restraint as a standard response in a student IEP or behavior plan



WHAT IS PHYSICAL RESTRAINT?

WHAT IS *NOT* PHYSICAL RESTRAINT?



What is physical restraint?

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- “Direct physical contact that prevents or significantly restricts a student’s freedom of movement”

When can physical restraint be used?

1. Only as emergency procedure of last resort
2. Only when student’s behavior “poses a threat of assault or imminent, serious, physical harm to self or others”,
and
3. When student does not respond to other efforts to control his/her behavior



What is physical restraint?

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When can physical restraint not be used?

1. To discipline or punish student
2. As a response to destroying property or disruption to class, when actions do not pose a threat of assault or imminent, serious, physical harm
3. As a standard response for any individual student

What is not physical restraint?

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- ❑ Brief physical contact to promote student safety (e.g., breaking up a fight)
- ❑ Providing physical guidance or prompting when teaching a skill
- ❑ “Physical escort” (temporary touching or holding without use of force to induce an agitated student to walk to a safe location)
- ❑ Time-out
- ❑ DESE guidance: The use of reasonable force to protect self, the student or others, is still permitted



Time-Out

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NOT physical restraint, but...

- ❑ If exceed 30 minutes, “principal” must approve time-out
- ❑ “Principal”: Person designated by board of trustees of charter school, for purposes of physical restraint regulations

What is time-out?

- ❑ Temporary separation from the learning activity or classroom
- ❑ Inclusionary time-out: Student remains in classroom
- ❑ Exclusionary time-out: Student removed from classroom



Time-Out

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Restrictions on time-out?

- ❑ Only to calm
- ❑ Must end when student is calmed
- ❑ Space: Safe, sanitary, appropriate for calming
- ❑ Student can never be locked in the space
- ❑ Staff must continuously observe student or be immediately available at all times

Time-Out v. Seclusion

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- Time-Out: Not physical restraint; permitted
- Seclusion: Prohibited
- “Seclusion”:
 - Involuntary confinement, by
 - Leaving student alone in a room, where
 - Student is physically prevented from leaving



Preparation

**WHAT DO SCHOOLS NEED TO DO NOW?
(EVEN SCHOOLS THAT DO NOT PLAN TO USE
PHYSICAL RESTRAINT)**



How Should Schools Prepare?

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Create infrastructure in case a need to use physical restraint arises

*Update policies
& procedures*

*Provide training
(basic v.
in-depth)*

*Report & Review
physical
restraint data*



Update Policies & Procedures

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- Update written physical restraint policies and procedures. These must include:
 - Procedure for using time-out
 - Procedure for obtaining “principal” approval for time-outs > 30 minutes
 - Methods for preventing student violence, de-escalation of potentially dangerous behavior
 - Methods for engaging parents
 - Alternatives to physical restraint
 - List of prohibited restraints
 - Review and reporting procedures
 - Complaint procedures

Review Policies & Procedures

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- ❑ Review all IEPs prior to 1/1/2016 : Physical restraint cannot be included as a standard response.
- ❑ Review all individual behavior plans prior to 1/1/2016: Physical restraint cannot be included as a standard response
- ❑ Physical restraint policies/procedures:
Review **annually**

Provide General Staff Training

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- *Who:* All program staff
- *When:* Within first month of school or first month of employment (if later)
- *What:*
 - School's physical restraint policies & procedures (including use of time-out, time-out v. seclusion)
 - Interventions that may avoid need for use of physical restraint
 - Required reporting and documentation
 - Identification of staff who serve as school resources

Provide In-Depth Training

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□ *Who:*

- Principal identifies staff who will receive in-depth training
- Staff with in-depth training will serve as resource for the school
- DESE recommendation: all staff who primarily help with maintaining school safety (e.g., school resource officers) should receive in-depth training

□ *When:* Within first month of school or first month of employment (if later)



Provide In-Depth Training (cont.)

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□ *What:*

- DESE recommendation: 16 hours of “competency-based” training (i.e. concrete skills), with a refresher course annually
- Training program must include specified training content
 - Restraint prevention
 - Specific dangerous behaviors
 - Experience in restraining and being restrained
 - Demonstration of learned skills
 - The impact physical restraint has on the student and family

Administering Physical Restraint

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- ❑ Only by trained personnel
- ❑ Safest method available/appropriate
- ❑ Only amount of force necessary to protect student or others
 - Do not use floor or prone restraints unless you have received in-depth training
 - For prone restraints, all pre-requisites must be met
- ❑ Staff must continuously monitor student's physical status while restrained
- ❑ If physical restraint > 20 min., must obtain "principal" approval
- ❑ Discontinue ASAP if student indicates (s)he cannot breathe
- ❑ Have an adult witness, if possible

Safety Requirements

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- ❑ Know students' medical and psychological limitations
- ❑ Make sure student is able to breathe and speak
- ❑ Monitor physical well-being, respiration, skin temperature and color
- ❑ If student experiences physical distress – release restraint and seek medical assistance immediately.



Report Physical Restraint

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- Report to principal:
 - Verbally: As soon as possible
 - In writing: By the end of next school day
- Principal notifies parents:
 - Verbally: Reasonable efforts to inform within 24 hours
 - Written report: Email – within 3 school days; mail – postmarked no later than 3 school days
 - Must include specified information
 - Provides parents/students opportunity to comment

Report Physical Restraint

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- To DESE:
 - Collect and report physical restraint data annually
 - Report all restraint-related injuries (student or staff) – send written report postmarked no later than 3 school days of administration of restraint

Review Physical Restraint Data

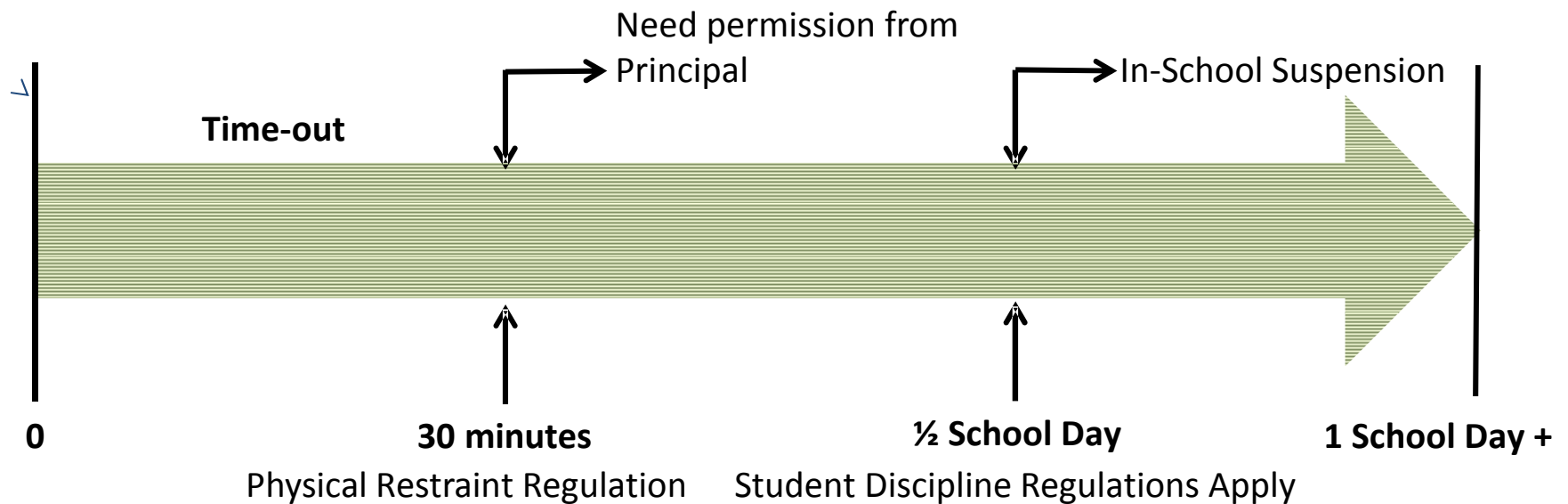
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- *Incident review:* With student, and with staffperson
- *Weekly:* Are students restrained multiple times during the week? If so, principal convenes review team to assess:
 - Reports of restraint, and parent & student comments
 - Circumstances and factors leading to use of restraint
 - Strategies to reduce or eliminate the use of restraint
 - Written plan of action
- *Monthly:* Are there patterns of use of restraints?
 - E.g., similarities in the time of day, individuals involved, duration of restraints
 - Determine if necessary to provide additional training, revise policies & procedures
- Time-out data need not be assembled or reviewed

Intersection: School Discipline and Physical Restraint Regulations

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Removal from Classroom



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Looking Ahead



Your Checklist

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- ✓ Update physical restraint policies & procedures
- ✓ Board of Trustees identify “principal” for school for purposes of physical restraint regulations
- ✓ Principal identifies staff who will receive “in-depth training”
- ✓ Identify appropriate training program:
 - ▣ For all staff
 - ▣ For “in-depth” training

Your Checklist

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✓ Weekly:

- ▣ Review physical restraint data – to determine if a student is being restrained multiple times in a week; if need to convene a review team

✓ Monthly:

- ▣ Provide training to all new staff within one month of working
- ▣ Review physical restraint data – to identify any patterns

✓ Annually:

- ▣ Review and update physical restraint policies/procedures
- ▣ Provide training to all staff within one month of the beginning of the school year



Finding the Resources

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- Current regulations on Physical Restraint at:
<http://www.doe.mass.edu/lawsregs/603cmr46.html>
- New regulations in effect January 1, 2016:
<http://www.doe.mass.edu/lawsregs/> under Recently Approved Regulations
- Advisory distinguishing between time-out and seclusion:
<http://www.doe.mass.edu/sped/advisories/2016-1ta.html>



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Questions?



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